

REMARKS

Favorable reconsideration of this application, in view of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 5-7 and 9-14 are pending in this application. Claims 1 and 5 are amended. Claim 4 is cancelled by this Amendment.

Summary of Telephone Interview

Initially, Applicant thanks Examiner Tran for the telephone interview granted Applicant's representative on September 27, 2006. During the telephone interview, Applicant's representative discussed differences between the claimed invention and the cited references of Lev et al. (US Patent No. 5,483,524, herein Lev) and Forslow (U.S. Patent No. 6,608,832). As a result of the discussed differences, Examiner Tran agreed that amending claim 1 to include the features of dependent claim 4 would overcome the cited references. Accordingly, claim 1 is amended to include the multiplexing step of dependent claim 4 and is believed to be in condition for allowance based on the agreement reached during the interview.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 7, 9-15 and 18-20 stand rejected under 35 USC §102(b) as anticipated by Lev. Applicant respectfully submits that this rejection has been rendered moot because the features of dependent claim 4 are now included in amended independent claim 1 and claims 15-20 are cancelled.

In light of the above, Applicant respectfully requests that the rejection to claims 1, 7, 9-15 and 18-20 be withdrawn.

Claim Rejections under 35 U.S.C. § 102

Claims 4-6, 16 and 17 stand rejected under 35 USC §103(a) as unpatentable over Lev in view of Forslow (US 6,608,832). The Applicant respectfully traverses this rejection as detailed below.

As explained during the interview, neither Lev nor Forslow disclose, teach or suggest sending a setup packet as secondary traffic over an established circuit switched link to establish a

data session, much less "multiplexing a setup packet with a traffic frame over said established circuit switched link; sending said setup packet as secondary traffic over the established circuit switched link between said wireless unit and the base station to establish a data session between said wireless unit and said packet data network; and sending data packets for said data session over a packet switched link," as recited in amended independent claim 1.

Claims 5 and 6 depend from amended independent claim 1 and thus, are allowable for at least the same reasons as amended independent claim 1, which were agreed upon during the telephone interview.

Claims 4, 16 and 17 are cancelled, thereby rendering the rejection to claims 16 and 17 moot.

In light of the above, Applicant respectfully requests that the rejections of claims 4-6, 16 and 17 under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

Accordingly, in view of the above remarks, reconsideration of the rejections and allowance of each of claims 1, 4-7 and 9-20 is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$450 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is kindly requested to contact Scott A. Elchert at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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